HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

Writ Petition No. 21592 of 1996

Between

Vishakha Port Trust Staff Association represented by its Treasurer ..Petitioner

AND

Vishakhapatnam Port Trust, Vishakhapatnam ..Respondent

:: JUDGMENT ::

30.3.2007

HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

Writ Petition No. 21592 of 1996

This writ petition has been instituted by the Vishakha Port Trust Staff Association, a registered Trade Union soliciting a writ of mandamus declaring action of the respondent Port Trust in not inviting the writ petitioner Trade Union to participate in the meetings and negotiations while sorting out the problems of the members of the Association as arbitrary and illegal.

The question as to whether every registered Trade Union in any establishment or industry should have the right to participate in negotiations had fallen for consideration before the Supreme Court in **Food Corporation of India Staff Union vs. Food Corporation of India and others**[1]. Ultimately, it has been concluded that the Trade Union/Unions obtaining the highest number of votes in the process of election shall be given recognition by the employer, so that the same can negotiate with the employer during the period of currency of its recognition. This is a very salutary principle, inasmuch as in establishments or industries, where huge manpower is deployed, there can conceivably be more than one registered Trade Union operating and it becomes difficult if not impossible for the employer to keep negotiating with each one of them for finding commonly acceptable solutions for the problems faced by the employees. Therefore, it is only appropriate that the negotiations between the employer and the employees should be confined with the recognized Trade Union only. However, every registered Trade Union has got a right to ventilate the grievances of its members which are bound to receive consideration

by the employer. For ventilating the grievances or for the purposes of submission of representations on its behalf and on behalf of its members, one does not necessarily be a recognized Trade Union enjoying the majority membership of the industry. In fact, this is the principle which prompted this Court while deciding Writ Petition No.28282 of 1996 on 31.12.1996, in directing the respondent to afford an opportunity to the petitioner Trade Union therein to represent on behalf of its own members and to discuss their grievances with the employer. I therefore subscribe to the same view as is spelt out in the judgment rendered in W.P.No.28282 of 1996 and direct the respondent Port Trust to permit the writ petitioner Trade Union to represent the grievances nurtured by it and also on behalf of its members and to discuss the same with the respondent.

With this writ petition stands disposed of. No costs.

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NOOTY RAMA MOHANA RAO.J.

30.3.2007
psr

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[1] 1995 Supp (1) SCC 678